

## **AMENDMENTS TO THE CLAIMS**

Independent claims 1 and 13 have been amended to better claim the invention and such amendments are not made for reasons related to patentability. Claims 32 and 33 have been canceled to remove issues related to such claims from consideration in hopes of expediting the examination process. In making these amendments, no new material is believed to be added.

1. (currently amended) A solid laminated ball bat having a predetermined exterior outline, comprising:

an elongated body disposed about a longitudinally extending axis, said body having an outer surface defined by the exterior outline of the bat, said body including a handle on one end and a barrel on the opposite end, said body including a label section connected between said handle and said barrel;

said bat including in at least one of said handle, said barrel and said label section, at least a first plurality of thin strips, each thin strip defining a pair of opposed faces, each said face defining a substantially flat plane, each said plane being substantially parallel to the other, each said strip further defining a peripheral edge connecting said opposed faces, at least one face of one of said strips being bonded to a face of an adjacently disposed strip, said first plurality of bonded together strips defining a first portion of the bat;

said bat further including in at least one of said handle, said barrel and said label section, at least a second plurality of thin strips, each thin strip defining a pair of opposed faces, each said face defining a substantially flat plane, each said plane being substantially parallel to the other, each said strip further defining a peripheral edge connecting said opposed faces, at least one

face of one of said strips being bonded to a face of an adjacently disposed strip, said second plurality of bonded together strips defining a second portion of the bat;

wherein at least one thin strip of said first plurality of thin strips is composed of a first material;

wherein at least one thin strip of said second plurality of thin strips is composed of a second material; ~~and~~

wherein the density of the first portion of the bat differs from the density of the second portion of the bat; and

wherein ~~at least two of~~ (a) the density of said first portion, (b) the density of said second portion, (c) the location of said first portion, and (d) the location of said second portion are selected to provide for a bat having a ~~sweet-spot-zone~~ center of mass located between a predefined first-point and a predefined second-point.

2. (previously presented) A solid laminated ball bat as in claim 1, wherein the density of said first portion of the bat is substantially uniform and wherein the density of said second portion of the bat is substantially uniform.

3. (previously presented) A solid laminated ball bat as in claim 1, wherein said bat is a baseball bat.

4. (previously presented) A solid laminated ball bat as in claim 1, wherein said first and second portions are disposed adjacent to one another.

5. (previously presented) A solid laminated ball bat as in claim 1, wherein first and second portions are disposed apart from each other.

6. (previously amended) A solid laminated ball bat as in claim 1, wherein each of said first plurality of thin strips has a thickness defined as the shortest distance between said opposed faces and wherein said thickness is between about 1/32<sup>nd</sup> of an inch to about 1/12<sup>th</sup> of an inch.

7. (previously amended) A solid laminated ball bat as in claim 1, wherein each of said second plurality of thin strips has a thickness defined as the shortest distance between said opposed faces and wherein said thickness is between about 1/32<sup>nd</sup> of an inch to about 1/12<sup>th</sup> of an inch.

8. (previously presented) A solid laminated ball bat as in claim 1, wherein each of said opposed faces are bonded together by one of an urea resin formulated with a powdered catalyst and a type 1 waterproof glue formulated with a powdered catalyst.

9. (canceled)

10. (previously presented) A solid laminated ball bat as in claim 1, further comprising a catalyzed lacquer protectant applied over said outer surface of the bat.

11. (previously amended) A solid laminated ball bat as in claim 1, wherein said first material is composed of a cellulosic material, such cellulosic material being selected from the group consisting of: maple, mahogany, ash, cherry, poplar, gum, tupelo and pine.

12. (previously amended) A solid laminated ball bat as in claim 1, wherein at least one thin strip of said first plurality of thin strips is composed of a composite material.

13. (currently amended) A laminated ball bat having a predetermined exterior outline, comprising:

an elongated body symmetrically disposed about a longitudinally extending axis, said body having an outer surface defined by the exterior outline of the bat, said body including a handle on one end and a barrel on the opposite end, said body including a label section connected between said handle and said barrel, said barrel having a free end disposed opposite where said barrel is

connected to said label section, said handle having a free end disposed opposite where said handle is connected to said label section, said body defining a mid plane disposed transversely relative to said longitudinal axis and midway between said free end of said barrel and said free end of said handle;

said bat including a first plurality of thin strips, each said thin strip defining a pair of opposed faces, each said face defining a substantially flat plane, each said plane being substantially parallel to the other plane, each said thin strip further defining a peripheral edge connecting said opposed faces and defining a section of the exterior outline of the bat, at least one face of one of said thin strips being bonded to a opposed face of an adjacently disposed thin strip such that the peripheral edges of said pair of adjacently disposed and bonded thin strips form a first section of the uninterrupted exterior outline of the bat, said first plurality of bonded together thin strips defining a first portion of the bat, said first portion of the bat defining a first outermost face and a second outermost face disposed opposite said first outermost face;

said bat further including a second plurality of thin strips, each said thin strip defining a pair of opposed faces, each said face defining a substantially flat plane, each said plane being substantially parallel to the other plane, each said thin strip further defining a peripheral edge connecting said opposed faces and defining a section of the exterior outline of the bat, at least one face of one of said thin strips being bonded to an opposed face of an adjacently disposed thin strip such that the peripheral edges of said pair of adjacently disposed and bonded thin strips form a second portion of the uninterrupted exterior outline of the bat, said second plurality of bonded together thin strips defining a second portion of the bat, said second portion of the bat defining a first outermost face and a second outermost face disposed opposite said first outermost face;

said bat further including a third plurality of thin strips, each said thin strip defining a pair of opposed faces, each said face defining a substantially flat plane, each said plane being

substantially parallel to the other plane, each said thin strip further defining a peripheral edge connecting said opposed faces and defining a section of the exterior outline of the bat, at least one face of one of said thin strips being bonded to a face of an adjacently disposed thin strip such that the peripheral edges of said pair of adjacently disposed and bonded thin strips form a third section of the uninterrupted exterior outline of the bat, said third plurality of bonded together strips defining a third portion of the bat, said third portion of the bat defining a first outermost face and a second outermost face disposed opposite said first outermost face;

wherein at least one thin strip of said first plurality of thin strips is composed of a first material;

wherein at least one thin strip of said second plurality of thin strips is composed of a second material; ~~and~~

wherein the density of the first portion of the bat differs from the density of the second portion of the bat and the length of the first portion of the bat differs from the length of the second portion of the bat; and

wherein ~~at least two of~~ (a) the density of said first portion, ~~(b)~~ the density of said second portion, ~~(c)~~ the density of said third portion, ~~(d)~~ the location of said first portion, ~~(e)~~ the location of said second portion, and ~~(f)~~ the location of said third portion are selected to provide for a bat having a center of mass located at a predefined point from the barrel end of the bat.

14. (previously amended) A laminated ball bat as in claim 13, wherein at least one of said first portion, said second portion, and said third portion have a substantially uniform density.

15. (previously presented) A laminated ball bat as in claim 13, wherein the density of said first portion of the bat differs for the density of said third portion of the bat.

16. (previously amended) A laminated ball bat as in claim 13, wherein at least two of said first, second and third portions of the bat are disposed adjacent to one another.

17. (previously presented) A laminated ball bat as in claim 13, wherein said first, second and third portions of the bat are disposed apart from each other.

18. (currently amended) A laminated ball bat as in claim 13, wherein each of said first plurality of thin strips has a thickness defined as the shortest distance between said opposed faces and wherein said thickness is between about  $1/32^{\text{nd}}$  of an inch to about  $1/12^{\text{th}}$  of an inch.

19. (previously amended) A laminated ball bat as in claim 13, wherein each of said second plurality of thin strips has a thickness defined as the shortest distance between said opposed faces and wherein said thickness is between about  $1/32^{\text{nd}}$  of an inch to about  $1/12^{\text{th}}$  of an inch.

20. (previously presented) A laminated ball bat as in claim 13, wherein each of said third plurality of thin strips has a thickness defined as the shortest distance between said opposed faces and wherein said thickness is between about 0.00787 inches to about 0.375 inches.

21. (previously presented) A laminated ball bat as in claim 13, wherein each of said opposed faces are bonded together by one of an urea resin formulated with a powdered catalyst and a type 1 waterproof glue formulated with a powdered catalyst.

22. (canceled)

23. (previously presented) A laminated ball bat as in claim 13, further comprising a catalyzed lacquer protectant applied over said outer surface of the bat.

24. (previously amended) A laminated ball bat as in claim 13, wherein at least one thin strip of said first plurality of thin strips is composed of a cellulosic material selected from the group consisting of: maple, mahogany, ash, cherry, poplar, gum, tupelo and pine.

25. (previously amended) A laminated ball bat as in claim 13, wherein at least one thin strip is composed of a composite material.

26. (withdrawn)

27. (withdrawn)

28. (withdrawn)

29. (withdrawn)

30. (withdrawn)

31. (withdrawn)

32. (canceled) A solid laminated ball bat as in claim 1, wherein said predefined first-point is located a distance of about 6% of the total length of the bat from the barrel end of the bat and said predefined second-point is located a distance of about 18% of the total length of the bat from the barrel end of the bat.

33. (canceled) A laminated ball bat as in claim 13, wherein said predefined point is located between a distance of about 6% of the total length of the bat from the barrel end of the bat and a distance of about 18% of the total length of the bat from the barrel end of the bat.

## **CLAIM STATUS**

Claims 1-25 remain in the application. Claims 32 and 33 have been canceled to remove issues related to such claims from consideration in hopes of expediting the examination process. Claims 26-31 have been withdrawn in response to an earlier restriction requirement and are now part of a continuing application.

Claims 1-25, 32, and 33 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1-4, 6, 7, 11-16, and 18-20, 24, 32, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. 6,007,440 in view of Smith 1,706,680.

Claims 5 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. 6,007,440 in view of Smith 1,706,680 and Cook 4,714,251.

Claims 8 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. 6,007,440 in view of Smith 1,706,680 and Winterowd et al. 5,944,938.

Claims 9, 10, 22, and 23 stand rejected under 35 U.S.C. §103a as being unpatentable over Bender et al. 6,007,440 in view of Burns et al. 6,506,823.

Claims 12 and 25 stand rejected under 35 U.S.C. §103 as being unpatentable over Bender et al. 6,007,440 in view of You 4,572,508.